

REMARKS/ARGUMENTS

The claims are 1, 4-9 and 11. Claim 1 has been amended to incorporate the subject matter of claims 2 and 3. Accordingly, claims 2 and 3 have been canceled. Reconsideration is expressly requested.

Claims 1-5, 7 and 11 were rejected under 35 U.S.C. 102(b) as being anticipated by *Duncan U.S. Patent No. 3,737,144*. Claims 1-2, 5, 7, 9 and 11 were also rejected under 35 U.S.C. 102(b) as being anticipated by *Nanz et al. U.S. Patent No. 4,653,725*. Claims 3-5 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Duncan* in view of *Adamek et al. U.S. Patent No. 5,080,400*. Claims 6 and 8 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Duncan* or *Nanz et al.* in view of *Holtgraver U.S. Patent No. 4,148,458*. Claim 9 was rejected under 35 U.S.C. 103(a) as being unpatentable over *Duncan* in view of *Nanz et al.*

In the Examiner's view, *Duncan* and *Nanz et al.* both show that the flanges are shaped to have rotation symmetry "as there is nothing prohibiting the flanges from rotating with enough force applied." According to the Examiner, the recitation "wherein the flanges (3) are shaped to have rotation symmetry" means that the flanges and only the flanges need to have the shape to have the possibility to rotate in relation to one another, which in the Examiner's view, is disclosed in both *Duncan* as 21 and 28 and *Nanz et al.* 14 may be rotated with enough force as there is no anti-rotation pin or such to prohibit such rotation.

The Examiner also stated that the Applicant has not shown what rotation symmetry is, or how *Duncan* or *Nanz et al.* do not have it. Also, in regard to the specification in paragraph 0015 where rotation symmetry is described, in the Examiner's view, both *Duncan* and *Nanz et al.* are seen to have "rotation symmetry" as any desired orientation can be made by rotating the entire valve and seen in relation to the flanges to make any desired orientation of 360° be considered to have "rotation symmetry."

This rejection is respectfully traversed.

As set forth in claim 1 as amended, Applicant's invention provides a throttle flap valve having an essentially ring-shaped, elastic seal element that surrounds an axial opening. The valve disk is disposed to rotate in the axial opening, crosswise to the axial direction. Means for turning the valve disk between the open and the closed positions is provided to control a flow of fluid through the opening.

At least two valve housing parts configured as two clamp halves that essentially surround the seal element in ring shape surround two flanges connected with an inflow and an outflow. The clamp halves have inner surfaces in contact with the seal element including two ring-shaped depressions for accommodating the flanges, in each instance. Conical contact surfaces of the flanges and/or the valve housing parts work together in such a manner that the flanges are pressed axially against the seal element, forming a seal, by means of the valve housing parts in the assembled state ready for operation, wherein the flanges are

rigidly connected with the valve housing parts, forming a positive lock, in each instance, and wherein the flanges are shaped to have rotation symmetry.

By having the inner surface of the clamp halves that are in contact with the seal element be provided with two ring-shaped depressions that surround the flanges, the radial holding force is also broken down into an axial holding force component by way of the clamp halves to axially clamp the seal in between the flanges. See page 4, first full paragraph of Applicant's disclosure.

Although the Examiner took the position that *Duncan* also discloses such shaped depressions that surround the flanges, it appears that the Examiner is viewing the inside corners of the clamp in FIG. 4 of *Duncan* as ring-shaped depressions; however, in *Duncan*, the corners of the clamp are not depressed in any way. As discussed in Applicant's disclosure at page 8, first full paragraph, Applicant's flanges are in rigid contact with the clamp halves at the inner and outer contact surfaces 16a and 16b

respectively, in each instance. In contrast, the corners of the clamp in FIG. 4 of *Duncan* do not form such a rigid contact with the clamp halves at inner and outer contact surfaces.

In addition, as the Examiner has tacitly recognized, *Nanz et al.* fails to disclose or suggest two ring-shaped depressions on the inner surfaces of clamp halves that surround the flanges. In addition, as indicated in Applicant's Amendment filed February 19, 2008, at page 11, last paragraph to page 12, last paragraph, one skilled in the art would not have combined the secondary reference to *Adamek et al.* with either *Duncan* or *Nanz et al.* If the flanks 29 and 34 of *Adamek et al.* abutted each other, it would be possible for the connection to be fully made up without the desired amount of pre-load, contrary to the teachings of *Adamek et al.* Thus, one skilled in the art would be discouraged from the teachings of *Adamek et al.* to create a positive lock as recited in Applicant's claim 1 as amended. Thus, it is respectfully submitted that one skilled in the art would not combine *Duncan* or *Nanz et al.* with *Adamek et al.* in an attempt to achieve Applicant's throttle valve as recited in claim 1 as

amended. The Examiner has never provided any reason why one skilled in the art would go against this clear teaching of *Adamek et al.* to make the combination suggested in the Office Action.

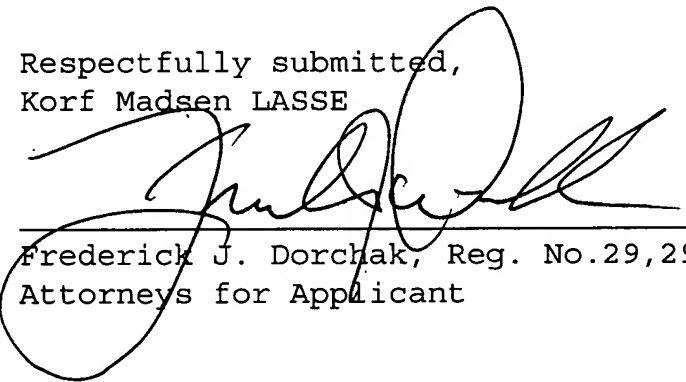
The remaining reference to *Holtgraver*, which has been cited with respect to claims 6 and 8, has been considered but is believed to be no more pertinent. As indicated in Applicant's Amendment filed February 19, 2008, there is no disclosure or suggestion in *Holtgraver* of a throttle flap valve as recited in Applicant's claim 1 as amended, wherein the flanges are rigidly connected with the valve housing parts forming a positive lock in each instance and wherein the flanges are shaped to have rotation symmetry. Moreover, there is no disclosure or suggestion of two ring-shaped depressions on the inner surfaces of clamp halves that surround the flanges.

Accordingly, it is respectfully submitted that claim 1 as amended, together with claims 4-9 and 11 which depend directly or indirectly thereon, are patentable over the cited references.

In summary, claim 1 has been amended and claims 2-3 have been canceled. In view of the foregoing, withdrawal of the final Office Action and allowance of this application are respectfully requested.

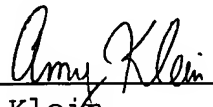
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